STATE OF NEW YORK

11381

IN ASSEMBLY

October 19, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weprin, Magnarelli, Dinowitz, Seawright, Fernandez, Gottfried, Abinanti, Mosley, Jaffee) -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the public health law, in relation to prohibitions on single-use plastic straws in municipal and state run food service establishments

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title heading of title 27 of article 27 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended to read as follows:

PLASTIC BAG**, AND PLASTIC STRAW**
REDUCTION, REUSE AND RECYCLING

§ 2. Section 27-2701 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended by adding seven new subdivisions 8, 9, 10, 11, 12, 13 and 14 to read as follows:

8. "Food service establishment" means any eating or beverage establishment run by the state or a municipality in the state, which offers for sale food or beverages to the public, guests, members, or patrons, where the food or beverages are customarily consumed on the premises.

9. "Beverage straw" means a tube used for transferring a beverage from its container to the mouth of a consumer.

10. "Biodegradable" means the ability of a material to break down, within one year, into natural materials in the natural environment without causing harm.

11. "Disability" means a physical, intellectual or sensory impairment that substantially limits one or more major life activities.

12. "Medical condition" means any illness, disease, disorder or injury that requires medical treatment.

13. "Plastic" means a synthetic material made from organic polymers, including, but not limited to, polypropylene and polystyrene, that can be molded into shape while soft, and then set into a rigid or slightly elastic form.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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14. "Single-use" means a product that is designed and intended to be used only once for drinking or eating, and is generally recognized by the public as an item that is to be discarded after one use.

§ 3. Title 27 of article 27 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended by adding a new section 27-2706 to read as follows:

§ 27-2706. Single-use plastic straws.

1. No food service establishment run by the state or a municipality in the state shall offer to consumers any single-use beverage straw made of plastic or any other non-biodegradable material. Food service establishments may provide suitable beverage straws, including those prohibited by this section, to a person that requires a straw due to a disability or medical condition as defined by this title.

2. In consultation with other state agencies, the department shall conduct outreach and education to food service establishments and stores to inform them of the provisions of this section and provide assistance with identifying replacement material. Such outreach and education shall be offered in multiple languages.

3. The department and the department of health shall have the authority to enforce the provisions of this section.

§ 4. Subdivision 2 of section 1352 of the public health law is amended to read as follows:

2. It shall be unlawful to furnish or serve in any public eating or drinking establishment, any straw, tube or similar device for drinking out of glasses, cups or containers of any type unless such straw, tube or similar device conforms to and is furnished or served in accordance with **title twenty-seven of article twenty-seven of the environmental conservation law, as added by chapter six hundred forty-one of the laws of two thousand eight and** the following requirements: When offered for use, it shall be completely enclosed in an impervious or a bactericidal wrapper to be opened by the ultimate user; if unwrapped it may be used if it is kept in an approved sanitary dispenser loaded from the original package without handling, which dispenses one such straw, tube or device at a time directly to the user and which is so constructed that the interior may be cleaned and kept in a sanitary condition; unused loose straws, tubes or devices already dispensed from the dispensing container shall not be used again. No single-service paper containers, paper cups, paper spoons, paper forks or paper plates shall be used a second time.

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.